

12-05-07LMS-LIT135239

65100-1109LIT-4728

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JAMES T. SULLIVAN, etc., et al.,)	
)	
Plaintiffs,)	No. 07 C 6202
)	
v.)	Judge Coar
)	
BEAVER PLUMBING SERVICES, INC.,)	Magistrate Judge Nolan
)	
)	
)	
Defendant.)	

PLAINTIFFS' MOTION FOR
ENTRY OF JUDGMENT

NOW COME Plaintiffs, JAMES T. SULLIVAN, etc., et al., by their attorneys, DOUGLAS A. LINDSAY, JOHN W. LOSEMAN, and LISA M. SIMIONI, with LEWIS, OVERBECK & FURMAN, LLP, of counsel, and, pursuant to Fed. R. Civ. P. 55, move the Court to enter: (1) an Order finding Defendant, BEAVER PLUMBING SERVICES, INC., in default; and (2) a Judgment in favor of Plaintiffs and against Defendant in the amount of \$147,619.82. In support of this Motion, Plaintiffs state:

1. Plaintiffs filed their Complaint on November 2, 2007, seeking recovery of delinquent contributions, late charges, attorneys' fees, and court costs under the Collective Bargaining Agreements ("Agreements") in effect between Defendant and Plaintiffs pursuant to ERISA, 29 U.S.C. §§1132 and 1145, and the LMRA, 29 U.S.C. §185.

2. On November 9, 2007, Defendant was served with a copy of the Summons and Complaint. The original Return of Service was filed with the Clerk of Court and a true and correct copy of the Return is attached hereto as Exhibit A.

3. Defendant was required to appear and answer or otherwise plead on or before November 29, 2007.

4. On November 21, 2007, Defendant filed its appearance.

5. As of the date of the filing of this Motion, Defendant has not filed an answer, or other pleading and is in default.

6. Plaintiffs' damages are calculated as follows:

\$107,764.90	Delinquent contributions for period January through May, 2007, and August through September, 2007, per §9.8 of the Agreements (see Affidavit of Kevin C. Sherlock, ¶8 attached hereto as Exhibit B)
\$9,529.40	Liquidated Damages for period January through May, 2007, August through September, 2007, per §9.8 of the Agreements (see Affidavit of Kevin C. Sherlock, ¶9 attached hereto as Exhibit B)
\$13,296.61	Interest on unpaid contributions for period January through May, 2007, August through September, 2007, per §9.8 of the Agreements (see Affidavit of Kevin C. Sherlock, ¶9 attached hereto as Exhibit B)
\$13,296.61	Double Interest on unpaid contributions per ERISA, 29 U.S.C. §1132(g)(2)(B)
\$3,732.30	Attorneys' fees and costs per ERISA, 29 U.S.C. §1132(g)(2)(D), and §9.8 of the Agreements (see Affidavit of Douglas A. Lindsay attached hereto as Exhibit C)
\$147,619.82	Total as of December 13, 2007

7. Plaintiffs request the Court to enter a Judgment Order in the form attached hereto as Exhibit D.

WHEREFORE, Plaintiffs, JAMES T. SULLIVAN, etc., et al., request the Court to enter: (1) an Order finding Defendant, BEAVER PLUMBING SERVICES, INC., in default; and (2) a Judgment in favor of Plaintiffs and against Defendant in the amount of \$147,619.82.

JAMES T. SULLIVAN, etc., et al., by
their attorneys, DOUGLAS A. LINDSAY,
JOHN W. LOSEMAN, and LISA M.
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By: 

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CERTIFICATE OF SERVICE

Lisa M. Simioni hereby certifies that service of the foregoing MOTION FOR JUDGMENT was effected upon the following person(s):

Todd A Miller
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through the CM/ECF system of the United States District Court for the Northern District of Illinois as a result of electronic filing made this 16th day of December, 2007.

s/ Lisa M. Simioni
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